

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 22 OCT 2007

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Applicant's or agent's file reference 25791.305.02	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/US04/28888	International filing date (day/month/year) 07 September 2004 (07.09.2004)	Priority date (day/month/year) 05 September 2003 (05.09.2003)
International Patent Classification (IPC) or national classification and IPC IPC: E21B 43/10 (2006.01) USPC: 166/380,207		
Applicant EVENTURE GOLOBAL TECHNOLOGY, LLC		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
 - a. ☐ (sent to the applicant and to the International Bureau) a total of ___ sheets, as follows:
 - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input checked="" type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

Date of submission of the demand

25 April 2005 (25.04.2005)

Name and mailing address of the IPEA/ US
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Date of completion of this report

10 October 2007 (10.10.2007)

Authorized officer

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Box No. I Basis of the report1. With regard to the **language**, this report is based on:

- ☐ the international application in the language in which it was filed.
- ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the international application (under Rule 12.4(a))
- ☐ international preliminary examination (under Rules 55.2(a) and/or 55.3(a))

2. With regard to the **elements** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

- ☒ the international application as originally filed/furnished
- ☒ the description:
pages 1-222 as originally filed/furnished
pages* NONE received by this Authority on _____
pages* NONE received by this Authority on _____
- ☒ the claims:
pages 223-357 as originally filed/furnished
pages* NONE as amended (together with any statement) under Article 19
pages* NONE received by this Authority on _____
pages* NONE received by this Authority on _____
- ☒ the drawings:
pages 1-115 as originally filed/furnished
pages* NONE received by this Authority on _____
pages* NONE received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to the sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to the sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/US04/28888

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application
☒ claims Nos. 76-1369

because:

- ☐ the said international application, or the said claim Nos. _____ relate to the following subject matter which does not require an international preliminary examination (*specify*):
- ☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 76-1369 are so unclear that no meaningful opinion could be formed (*specify*):

Please See Continuation Sheet

- ☐ the claims, or said claims Nos. _____ are so inadequately supported by the description that no meaningful opinion could be formed (*specify*):
- ☐ no international search report has been established for said claims Nos. _____
- ☐ a meaningful opinion could not be formed without the sequence listing; the applicant did not, within the prescribed time limit:
- ☐ furnish a sequence listing on paper complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Preliminary Examining Authority in a form and manner acceptable to it.
 - ☐ furnish a sequence listing in electronic form complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Preliminary Examining Authority in a form and manner acceptable to it.
 - ☐ pay the required late furnishing fee for the furnishing of a sequence listing in response to an invitation under Rules 13ter.1(a) or (b) and 13ter.2.
- ☐ a meaningful opinion could not be formed without the tables related to the sequence listings; the applicant did not, within the prescribed time limit, furnish such tables in electronic form complying with the technical requirements provided for in Annex C-bis of the Administrative Instructions, and such tables were not available to the International Preliminary Examining Authority in a form and manner acceptable to it.
- ☐ the tables related to the nucleotide and/or amino acid sequence listing, if in electronic form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.
- ☐ See Supplemental Box for further details

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US04/28888**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims <u>14-37, 39, 40, 45-47, 51-75</u>	YES
	Claims <u>1-13, 38, 41-44, 48-50</u>	NO
Inventive Step (IS)	Claims <u>14-37, 39, 40, 45-47, 48-50, 51-75</u>	YES
	Claims <u>11-13, 38, 41-44, 48-50</u>	NO
Industrial Applicability (IA)	Claims <u>1-76</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and Explanations (Rule 70.7)

Claims 1-13, 38, 41-44, , 48-50 lack novelty under PCT Article 33(2) as being anticipated by Russ et al (US 5,787,933).

The step of positioning a tubular assembly within a preexisting structure is met by Fig. 1, where a sleeve or tubular assembly 3 is positioned within a preexisting structure 1, and predetermined portions 4, 4D of the tubular assembly are plastically deformed. The recitations that "the predetermined portion of the tubular assembly has a lower yield point" is anticipated by col. 2, lines 46-60, where the tubular portion 4 and/or 4D is anticipated to have lower spring-back value and it is also known in the art the plastically deformed portion after radial expansion should have lower yield strength than the remaining portions. The language "anisotropy" fails to render a patentable distinction in that the sleeve 3 of Russ et al does indeed present anisotropically deformed tubular structure. The plurality of other portions also met by the fact that the sleeve of Russ et al has at least five different portions along its longitudinal axis.

----- NEW CITATIONS -----

NONE

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US04/28888

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

Section III. Non-establishment of report (description/claims/drawings unclear)

The above-identified application was originally filed with a total of 1369 claims. PCT Article 6 states that the claims shall be clear and concise. The above-identified application does not meet this requirement, even assuming for the sake of argument that the individual claims are clear and concise in themselves, because the lack of clarity of the claims as a whole arises from the lack of conciseness. The presentation of 1369 claims makes it difficult, if at all possible, to determine the matter for which protection is sought and to determine whether unity is present. It also places an undue burden on the third parties to ascertain the subject matter encompassed by the claims. It also noted that PCT Rule 6.1(a) requires that the number of claims shall be reasonable in consideration of the nature of the invention claimed. Accordingly, for the above-identified application, applicant is required to choose no more than six independent claims and no more than seventy-five total claims for searching within the time set forth above. (A lack of unity of invention may still be made if warranted among the claims chosen by applicant to be searched.) If applicant does not respond within this time period, the first seventy-five claims will be examined as representative of the invention.